

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

EFRAIN COLON MORCIGLIO, ET AL.
Plaintiff,

v.

UNITED STATES OF AMERICA,
Defendant.

CIVIL NO. 17-2312 (WGY)

MOTION FOR A STAY PROCEEDING IN LIGHT OF LAPSE OF APPROPRIATIONS

TO THE HONORABLE COURT:

COMES NOW, the United States of America through the undersigned attorney, and very respectfully STATES and PRAYS as follows:

1. The United States of America hereby moves for a stay of proceedings in the case of caption.

2. At midnight on December 21, 2018, the continuing resolution that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for most Executive agencies, including the federal Defendant. The Department does not know when funding will be restored by Congress.

3. Absent an appropriation or continuing resolution, Department of Justice attorneys and employees of the federal Defendant are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

4. Undersigned counsel for the Department of Justice therefore requests a stay of proceedings, until Congress has restored appropriations to the Department.

5. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department or enacted another continuing resolution. The

Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

WHEREFORE, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of the filing of proceedings in this case, until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

RESPECTFULLY SUBMITTED, in San Juan, Puerto Rico, this 26th day of December 2018.

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF system which will send notification of such filing to all counsel of record.

ROSA EMILIA RODRIGUEZ VELEZ
United States Attorney

s/Rafael J. López-Rivera
Rafael J. López-Rivera
Assistant United States Attorney
USDC-PR No. 221213
UNITED STATES ATTORNEY'S OFFICE
Torre Chardón, Suite 1201
350 Carlos Chardón Street
San Juan, Puerto Rico 00918
Phone Number: (787)766-5656
Facsimile: (787)766-6219
rafael.j.lopez@usdoj.gov